

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MW CAPITAL FUNDING, INC.,

Plaintiff,

Case No. 16-14459

v.

HON. GEORGE CARAM STEEH

MAGNUM HEALTH AND REHAB
OF MONROE, LLC, *et al.*,

Defendants.

_____ /

ORDER DENYING BENCHMARK'S
MOTION FOR CONTEMPT (DOC. 139)

Before the court is Benchmark Healthcare Consultants, LLC's motion to find MICHA US, LLC, in civil contempt. Benchmark contends that MICHA should be held in contempt for failing to comply with the court's February 19, 2019 order requiring MICHA to submit payment to Benchmark within fourteen days. Rather than immediately comply with the court's order, MICHA timely sought reconsideration, which was denied, and then filed a notice of appeal, which is its right. MICHA also obtained a supersedeas bond. Under the circumstances, a finding of contempt is not appropriate. Moreover, a money judgment is properly enforced by a writ of execution, not a motion for contempt. See Fed. R. Civ. P. 69 ("a money

judgment is enforced by a writ of execution”); *In re Snorden*, 559 B.R. 857, 861 (Bankr. W.D. Mich. 2016).

Accordingly, IT IS HEREBY ORDERED that Benchmark’s motion for contempt is DENIED.

Dated: April 11, 2019

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 11, 2019, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk